

II. Remarks

A. Status of the claims

Claims 1-2 and 5-20 are currently pending. New claims 18 and 19 have been added. Support for new claims 18 and 19 can be found in the specification as originally filed, e.g. at page 3. It is respectfully submitted that no new matter has been added by virtue of this amendment.

B. Rejection under 35 U.S.C. § 102(b)

In the Office Action, the Examiner rejected claims 1, 2 and 5-17 under 35 U.S.C. §102 (b) as being anticipated by Granger et al. (U.S. 5,149,538, hereinafter "the '538 patent"). The Examiner stated that Granger et al. teaches "[a]n opioid antagonist such as naloxone is ... included to prevent misuse of the dosage form."

This rejection is respectfully traversed. Applicants direct the Examiner to independent claims 1 and 2 wherein the "*distressing substance is selected from the group consisting of emetics, nauseants, flavouring substances, ergolides, bitter quaternary ammonium compounds, atropine or salts thereof, and mixtures thereof agent.*"

Accordingly, the agent "*included to prevent misuse of the dosage form*" (i.e., the distressing substance) is limited to a markush group that **excludes** opioid antagonists in claims 1 and 2. Therefore, Granger et al. does not teach each and every limitation of claims 1 and 2 (and the claims dependent therefrom) and cannot anticipate these claims.

Similarly, Applicants direct the Examiner to independent claim 17 wherein the distressing substance is "*selected from the group consisting of ergolides, bitter quaternary ammonium compounds, atropine or salts thereof, and mixtures thereof.*"

Accordingly, the agent "*included to prevent misuse of the dosage form*" (i.e., the distressing substance) is limited to a markush group that **excludes** opioid antagonists in claim 17 as well. Therefore, Granger et al. does not teach each and every limitation of claim 17 and cannot anticipate this claim.

In view of the arguments presented above, Applicants respectfully request that the rejection under 35 U.S.C. §102(b) of claims 1, 2 and 5-17 be removed.

C. New Claims 18 and 19

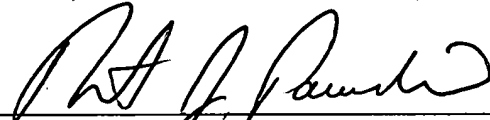
Applicants direct the Examiners attention to new claims 18 and 19 which also recite markush groups for the distressing substance that do not include opioid antagonists. The distressing substance in claim 18 is "selected from the group consisting of the emetic ipecacuanha or derivatives thereof, nauseants, flavouring substances, the quaternary ammonium compound denatonium benzoate, the ergolides bromocriptin, lisoline, pergolide and lysuride or salts thereof, atropine or salts thereof, and mixtures thereof" and the distressing substance in claim 19 is limited to "atropine or a salt thereof, an ergolide or a pharmaceutically acceptable salt thereof, and ipecacuanha".

III. CONCLUSION

In view of the foregoing, Applicants believe that the above-referenced rejections have been obviated and respectfully request that the rejection be withdrawn. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance prosecution of the present application. An early and favorable action is earnestly solicited.

Respectfully submitted,

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